

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

JOSEPH L. DIEBOLD, JR., on behalf of
the EXXONMOBIL SAVINGS PLAN, and
PAUL J. HUNDT, on behalf of the TEXAS
INSTRUMENTS 401(K) SAVINGS PLAN,
and all others similarly situated,

Plaintiffs,

 \mathbf{v}_i

NORTHERN TRUST INVESTMENTS, N.A., and
THE NORTHERN TRUST COMPANY,

Defendants.

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No. 09 Civ. 1934
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Hon. William J. Hibbler,
Judge Presiding.
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**DEFENDANTS' MOTION TO DISMISS
THE AMENDED CLASS ACTION COMPLAINT**

NOW COME defendants Northern Trust Investments, N.A., and The Northern Trust Company, by and through their attorneys, and hereby move to dismiss the amended class action complaint pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim upon which relief can be granted, and pursuant to Fed. R. Civ. P. 12(b)(1) for lack of standing, as set forth more fully in the accompanying memorandum that defendants have filed today and which is incorporated herein.

WHEREFORE, defendants respectfully ask this Court to dismiss the amended complaint in its entirety.

Respectfully submitted,

Dated: February 16, 2010

/s/ Michele Odorizzi
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